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Oyster law of the State of Louisiana.

1910.



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OYSTER LAW
OF THE
STATE OF LOUISIANA

ALSO

LAW PROVIDING FOR A
STANDARD MEASURE
FOR
OYSTERS

ISSUED BY THE

BOARD OF COMMISSIONERS
FOR THE
Protection of Birds, Game and Fish

NEW ORLEANS

1910



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COPY
OF THE
OYSTER LAW
OF THE
STATE OF LOUISIANA

Act No. 189 of 1910

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INDEX

NUMERALS REFER TO PAGES

A

Applications for Leases, How Made 5, 6

B

Board of Commissioners, Sole Custodian of the Oyster Resources of the State 5
Board of Commissioners Has Power to Lease Bottoms 6
Board of Commissioners Must Reserve Certain Reefs 8
Board of Commissioners' Decisions Final 6

C

Canners Must Obtain License 11
Commission Men Must Obtain License 11
Canners, Amount of License 12
Culling Oysters on Natural Reefs 13
Cargoes May Be Seized 16

D

Dredging, How Permitted 14

F

Fishing on Natural Reefs Permitted Under Supervision of Board 13

H

Hand Tongs to be Used 14

I

Inspectors, Rights of 11, 16

L

Leases Begin Day Lease is Signed 8
Leases, Status of Same 9
Leases, How Forfeited 9

M

Measurement, Standard Bushel 12, 20
Measurement of Vessels 10

	N	
Natural Reefs, Portions to be Rented		8
	O	
Oysters From Natural Reefs Must Be Culled		15
Oysters in Shells Must Not Be Taken Out of the State.....		15
	P	
Pointe-au-Fer Reef Not Rentable		8
Packers Must Obtain License		11
Ports of Entry to be Established		12
	R	
Rentals, Prices Thereof		10
	S	
Stakes Must Be Set		7
Staking Off Unleased Bottoms Prohibited		13
Scrapers, Permission to Use		14
Stealing Oysters Prohibited		15
	V	
Vessels Carrying Oysters Must Obtain License		10
Vessels Carrying Oysters Must Have Manifest		11
Vessels Purchasing Oysters Must Obtain License		13
Vessels Violating Law May Be Seized		16

AN ACT

To regulate the oyster industry of the State of Louisiana, by recognizing and declaring the ownership of the State to all water bottoms or beds of streams, bayous, lagoons, lakes, bays, rivers and canals, along the coast of the Gulf of Mexico, and of the Gulf of Mexico, within the jurisdiction of Louisiana, by prohibiting their alienation in fee simple; by recognizing and declaring the ownership of the State in and to all oysters growing thereon by limiting the riparian owners to low water mark; by providing for the leasing of oyster lands of water bottoms belonging to the State; by recognizing leases already made on the same, by providing for the licensing, registering and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters taken from Louisiana waters and a license tax on persons, firms, or corporations, and vessels engaged in the oyster industry; by providing the manner of collecting, handling, depositing and disbursing the revenues derived therefrom; by providing for the protection of natural oyster reefs, and the designation of oyster preserves; by providing the manner of shipping or taking oysters out of the State; and by providing such other rules and regulations necessary to properly carry out the purposes of this Act; by providing penalties and forfeitures for the violations of this Act; and by repealing and superseding all laws or parts of laws in conflict herewith, more especially Act No. 52 as amended by Act 178 of 1906, Act 167 of 1908 and Act 291 of 1908.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all beds and bottoms of rivers, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico, and that part of the Gulf of Mexico within the jurisdiction of the State of Louisiana, including all natural oyster reefs and all oyster and other shell fish growing thereon shall be, continue and remain the property of the State of Louisiana, except as otherwise provided, and shall be under the exclusive control of the Board of Commissioners for the Protection of Birds, Game and Fish. The Board may permit the use of the said

bottoms and reefs for the purpose of fishing, taking, bedding and raising oysters and other shell fish, subject to the restrictions imposed by law, and the regulations of said Board, in so far as they do not conflict with the laws of the State.

No grant, sale or conveyance of the lands forming the bottoms of said bodies or streams of water, shall hereafter be made by the Register of the State Land Office, by any other official, or by any subordinate political corporation.

Persons, firms or corporations domiciled in this State with their factories, shucking plants, and shipping depots located therein, may enjoy the right of fishing oysters from the natural reefs and leased bedding grounds whenever they have complied with the law and the rules and regulations of said Board; provided such oysters are canned, shucked or packed in this State, or shipped raw in shells, from a shipping depot in this State, but no person, firm, or corporation shall ship oysters out of this State for canning or packing out of the State.

Section 2. Be it further enacted, etc., That the rights of the owners or occupants of land on the shores of any of the waters hereinbefore described shall extend to ordinary low water mark only, and no one shall own in fee simple any bottom lands enumerated in Section 1. All leases of bedding grounds made in pursuance of Act 110 of 1892, Act 121 of 1896, Act 153 of 1902, Act 52 of 1904, Act 178 of 1906, Acts 167 and 291 of 1908 shall continue in force and effect up to their expiration, provided such lessees shall pay to the Board of Commissioners for the Protection of Birds, Game and Fish the rental provided for by law, and subject themselves to the regulations imposed by the said Board. All owners of expiring leases shall have the first right of renewal of their leases.

Section 3. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish shall have the power to lease any and all water bottoms and natural reefs as described in Section 1 of this Act. No claim to any water bottoms by any person, firm or corporation, shall be valid or have any effect, until adjudicated by a court of competent jurisdiction between the State and claimant, and said claimant shall by virtue hereof have a right of action against the State in any Court of competent jurisdiction for the legal determination of the validity of his claim.

Section 4. Be it further enacted, etc., That any person, firm, or corporation, desiring to lease a part of the bottom or bed of any of the waters of this State as provided herein, shall present to the

Board of Commissioners for the Protection of Birds, Game and Fish, a written application, together with a cash deposit of such amount as may be determined by the Board, setting forth the name and address of the applicant, a reasonably definite description of the location and amount of the land covered by water desired by applicant and shall ask that the application be registered, that the water bottom be surveyed, that a plan or map of survey thereof be made, and that the water bottom described be leased to the applicant under the provisions of this Act. Thereupon the Board shall register said application and shall order an examination to determine whether the bottoms applied for are leasable or not. Should they be found so, a survey and plan shall be made at the expense of the applicant at a fee to be fixed by the Commission. Said expense shall only be paid for when the applicant has been awarded, the lease applied for. When applications are made by two or more persons for the same water bottoms, the applicant who files the first application shall have prior claim. The Board shall require the bodies of the water bottoms leased to be as compact as possible, taking into consideration the shape of the body of water and the conditions of the bottoms as to hardness or soft mud, which would render them desirable or undesirable for the purpose of oyster cultivation.

Section 5. Be it further enacted, etc., That in the event of said application being favorably acted upon and as soon as the survey has been made, the plan or map thereof filed with the Board, and the cost thereof paid by the applicant, the Board shall execute in duplicate, a lease of the water bottoms to the applicant with plan of survey; one duplicate to be delivered to him and the other with plan of survey to be retained by the Board and registered in a Lease Book kept by them for that purpose.

Such lessee thereafter shall enjoy the exclusive use of said water bottoms, and all oysters, shells and culch grown or placed thereon shall be his, her, or their exclusive property, so long as the rental is paid thereon.

The lessee, under the supervision of the Board, shall stake off and mark the water bottoms leased, by such ranges, monuments, stakes, buoys, etc., as it may deem necessary to ascertain and locate same to the end that the location and limits of the water bottoms embraced in the said lease be easily and accurately found and fixed.

In default thereof the Board shall erect such markings as it may deem necessary, the costs of same to be collected from the lessee. Afterwards it shall be the duty of the Board to maintain said markings at their own expense.

Section 6. Be it further enacted, etc., That all leases made under the provisions of this Act, shall begin on the day that the lease is signed, and shall continue for a period not to exceed fifteen (15) years under such restrictions as are provided herein. The rent shall be paid in advance at the time of signing the lease up to the first day of October following, and annually thereafter in advance on or before the first day of October of each year, whether the lease be held by the original lessee, or by an heir, assign or transferee.

No person, firm, or corporation, shall lease, hold or control more than one thousand (1,000) acres of said water bottoms, except that when said lessee owns or operates more than one cannery plant he or they may be permitted to lease an additional 500 acres of water bottoms and reefs for a second plant, an additional 300 acres for a third plant, an additional 200 acres for a fourth plant, provided that should the said lessee cease to operate any plant by virtue of the erection or ownership of which he has been permitted to increase his lease holding acreage, such cessation of operation shall operate a forfeiture of his lease upon such acreage as he may hold by reason of the erection or ownership of said plant other than the first plant erected, and any person, firm or corporation which holds or controls, or seeks or attempts to hold or control, by partnership or otherwise, more than this amount by any scheme, agreement, understanding, or combination, whatsoever, shall forfeit, after due trial by a competent court, all leases held by him on it.

Each lessee may be apportioned an area of natural reefs of not more than twenty (20) per cent. of the total area granted, and eighty (80) per cent. of hard and soft bottoms and depleted reefs, as may be decided upon by the Board after survey of same has been made by the Chief Surveyor and a report thereon has been made by him to the Board, provided that no lessee shall hold on lease more than one hundred and fifty (150) acres of natural reefs; said apportionment by the Board to be conclusive and final. No lessee shall be compelled to take water bottoms incapable of being developed into oyster bearing lands. It is expressly stipulated that no part of the Point-au-Fer Reef, located in the Parishes of Terrebonne and St. Mary, shall ever be leased. It is also decreed that not less than seventy (70) per cent. of the total area of the natural reefs, exclusive of the Pointe-au-Fer Reef, of any Parish, shall first be reserved to the State to be held free from leasage forever.

As soon as practicable after the promulgation of this Act, the said Board shall examine the natural reefs of this State and make its reservation of the 70 per cent. of natural reefs to be held not

subject to lease, and as soon as reserved, the Board shall then insert in one newspaper in each Parish to be affected, for thirty days, a notice that applications for the lease of water bottoms will be received and filed without regard to date, and that on and after January 1, 1911, the Board may begin to award allotments of oyster bottoms containing natural reefs, after having caused said bottoms to be examined. And said Board shall award and apportion said bottoms among the various applicants in such manner as will best conserve the interest of the industry, the respective applicants and the State; provided, that the holders of oyster leases of date prior to May 1, 1910, shall have first preference over the applicants for bottoms in the waters of the Parish in which said leases are located, and the areas now held by such persons shall be considered in determining the area of natural oyster reefs which they may be permitted to lease under the provision of this Act; provided that no lease of natural oyster reefs shall in any way interfere with public fishing on said reefs prior to April 1, 1911.

The Board of Commissioners for the Protection of Birds, Game and Fish is hereby given the right to make such stipulations in the lease as it shall deem necessary or proper when not inconsistent with the provisions of the law.

No license tax, other than those imposed in this Act, shall be levied or imposed by the State, or any of its subordinate political corporations, or municipalities. Each tenant leasing water bottoms under the provisions of this Act shall each year after the commencement of said lease, place under cultivation at least one-tenth of the leased barren water bottoms.

Section 7. Be it further enacted, etc., That all leases made in conformity with the provisions of this Act shall be heritable and transferable. They shall also be subject to mortgage, pledge or hypothecation and shall be subject to seizure and sale for debt, as any other property rights and credits in this State; this provision shall also apply to all buildings, betterments, and improvements thereon. No such inheritance or transfer shall be valid or of any force or effect whatever, unless evidenced by an authentic act, judgment or proper judicial deed registered in the office of the Board in a book provided for that purpose. The Board shall keep proper indexes, so that all original leases and all subsequent changes and transfers can be easily and accurately ascertained.

Section 8. Be it further enacted, etc., That the failure of the tenant to pay the rent punctually on or before the first day of October of each year or within thirty (30) days thereafter, shall *ipso facto*, and without any demand or putting in default terminate and cancel said lease and forfeit to the Board of Commissioners for

the Protection of Birds, Game, and Fish all the works, improvements, betterments and oysters on the said leased water bottoms, and the said Board is authorized to at once enter on said water bottoms and take possession thereof; provided that no leased water bottoms shall be forfeited for non-payment of the said rent, unless there shall have previously been mailed by the Board to the last known address of such tenant according to the books of the Board, a thirty (30) days' notice of the maturity of said rent. Thereupon such water bottoms shall be open for lease to the highest bidder and the Board, ten days thereafter shall enter such termination, cancellation and forfeiture on its books and shall give public notice thereof, by publication in one local paper in the Parish where said leased water bottoms are located. The Board shall waive such termination, cancellation and forfeiture provided the rent due with ten (10) per cent. additional, be tendered to it within thirty days after the publication of the forfeiture provided for herein after same became due.

Section 9. Be it further enacted, etc., That from and after the passage of this Act the rentals on all leased water bottoms and natural reefs made in conformity with the provisions of this Act, shall not be less than one dollar (\$1.00) per acre or any fraction of an acre per year on all soft and hard bottoms and depleted reefs and not less than five dollars (\$5.00) per acre or any fraction of an acre per year for all natural reefs, said amount to be determined by the Board after the Chief Surveyor has reported on same as provided herein. The rate named by the Board for such leases shall be conclusive and final.

The provisions of this Act shall extend to all leases of oyster bedding grounds heretofore made by the State, through the police juries, and the Oyster Commission of Louisiana, upon the termination of such original leases or any of the conditions thereof.

Section 10. Be it further enacted, etc., That all vessels engaged in the oyster industry, before beginning operations must first secure a license from the Board of Commissioners for the Protection of Birds, Game and Fish and for that purpose the owner, captain or agent of said vessel must present in writing an application setting forth the name and description of said vessel, the name and postoffice address of the owner and captain, the number of the crew, and such further data as the Board shall deem necessary and thereupon the Board shall register said vessel and issue the necessary license on payment of the cost thereof. All licenses shall be graduated according to the oyster carrying capacity of each boat or vessel, and shall be ascertained under the rules and regulations to be prescribed by the Board on the basis of twenty (20) barrels to

the ton and all vessels or boats are required to submit to the necessary survey for their license. A license tax of fifty cents per ton or fraction of a ton is hereby levied on each vessel, or boat engaged in the oyster industry in this State when of one (1) ton or more capacity and a compliance with the provisions of the regulations shall be required of all vessels determined by the Board to be engaged in the freighting of oysters.

The name of any boat or vessel engaged in the oyster industry shall not be changed without the consent of the said Board.

These licenses shall always be subjected to inspection by the officers of the Board, and shall not be good for any vessel or owner than that for which issued without the consent of the Board written across the face of the license. Licenses shall be issued by the Board on license blanks which shall be furnished by the Board. All vessels engaged in the business of carrying of oysters to the Port of New Orleans shall have in their possession and shall display same upon arrival at said port, a manifest on blank forms, to be furnished by said Board, giving all the details of the cargo which said vessel is carrying on that particular trip.

The license year for all licenses shall begin September 1st of one year and end August 31st the next year.

The license provided by this section being licenses exacted by the State in the control of her own property and in the protection of the oyster property of others over which a State control is necessary, no Parish or municipality shall impose any license tax on said industry.

Section 11. Be it further enacted, etc., That each packer, canner, commission man, dealer, firm, or corporation, shall keep a record of all oysters purchased by himself or themselves, with the names of the parties from whom purchased, the quantity, and the date. They shall also keep an itemized account of all oysters fished by themselves and by all boats controlled by them and shall exhibit said account at all times to the Board of Commissioners for the Protection of Birds, Game and Fish or any of its authorized employees. On the first day of each month said packer, canner, commission man, dealer, firm, or corporation, shall make a return under oath, to said Board as to the number of barrels purchased and caught during the preceding month, and a tax of three (3) cents per barrel on each and every barrel of oysters canned, packed or gathered from the leased water bottoms and reefs, either for sale or consumption, shall be levied thereon by said Board.

Inspectors of said Board are authorized to enter upon any boat, or to enter any building other than a domicile, where oysters are carried or stored and to inspect such oysters at all times.

In all operations of the Board, the standard measurement of the barrel referred to herein shall be three and seventy-three one-hundredths (3.73) cubic feet, which approximately represents the cubic contents of three (3) bushels, or one barrel.

Section 12. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish shall have power to establish ports of entry at such points as it may deem convenient, where the privilege taxes levied herein shall be paid; and the Board shall have power to make such rules and regulations as may be necessary to enforce the collection of the privilege taxes provided for in this Act.

The Board shall also have the right to examine, inspect and audit the books, papers and memoranda of all persons, firms and corporations engaged in the oyster industry under license issued by said Board.

Section 13. Be it further enacted, etc., That no person, firm or corporation, shall engage in the business of canning oysters in the State until they shall first have procured from the Board of Commissioners for the Protection of Birds, Game and Fish an annual license for which a charge of one hundred dollars (\$100.00) shall be made by said Board for each steam box in use in such establishment; and no person, firm, or corporation, shall engage in the business of buying for resale and shippings oysters raw in shells or packed, until they shall first have procured from said Board an annual license for which a charge of twenty-five dollars (\$25.00), shall be made by said Board when ten or more shuckers shall be employed in such establishment; when less than ten and more than five shuckers are employed, the license shall be fifteen dollars (\$15.00) per annum; when five or less shuckers are employed, the license shall be ten dollars (\$10.00) per annum; and when no shuckers are employed and oysters are handled in the shell the license shall be ten dollars (\$10.00) per annum; when not more than ten thousand barrels of oysters are bought, shipped, and sold per annum, fifteen dollars (\$15.00) per annum. When more than ten thousand and less than fifteen thousand barrels of oysters are bought, shipped and sold per annum, twenty dollars (\$20.00) per annum. When less than twenty thousand barrels are bought, shipped and sold per annum, and when the number of barrels bought, shipped and sold per annum shall exceed twenty thousand, the license shall be twenty-five dollars (\$25.00) per annum.

No person, firm, or corporation shall begin business without first procuring at least the minimum license. At the end of the year, sworn returns of oysters bought, shipped and sold by each licensee

shall be made and computed and such licensee shall pay the additional license shown to be due by him thereby.

Vessels purchasing for resale oysters to make up a cargo shall procure a license permitting the conduct of such business which shall be graded upon the tonnage of the boat employed, on the following basis, to-wit:

Where the boat does not exceed five tons, the license shall be ten (\$10.00) dollars per annum; where the tonnage is more than five and not exceeding ten tons, the license shall be fifteen (\$15.00) dollars per annum; where the tonnage exceeds ten tons the license shall be twenty (\$20.00) dollars per annum; and every such licensed vessel shall carry on board a suitable book in which a daily record shall be made of all oysters purchased, giving the date of purchase, the name of the seller or vessel from which purchased and the quantity of oysters purchased, which said record shall at all times be open to the inspection of the officials of said Board and extracts therefrom shall be furnished said Board whenever required.

Section 14. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation to stake off the water bottoms enumerated in Section 1 of this Act, or to bed oysters on said water bottoms without previously leasing same from the Board of Commissioners for the Protection of Birds, Game and Fish, and after the payment of the rental and fees provided herein.

Section 15. Be it further enacted, etc., That it shall be unlawful for any person, firm, or corporation to take or catch oysters on the natural reefs of the State, or to have such oysters in possession, except under the rules and regulations of the Board of Commissioners for the Protection of Birds, Game and Fish, and the onus shall be upon the accused to establish that any oysters in his or their possession were taken from leased water bottoms. For the purposes of this Act, all oysters in possession of any person, firm or corporation, in this State, shall be deemed to be oysters fished in Louisiana waters.

All oysters taken from the natural reefs of this State shall be culled upon their natural reefs as taken, and all oysters which measure less than three (3) inches from hinge to mouth, and all dead shells shall be immediately replaced and scattered broadcast upon the natural reefs from which they are taken. No captain or person in charge of any vessel, and no canner, packer, commission man, dealer or other person shall have in his possession off the natural reefs, any natural reef oysters not culled according to the provisions of this Act. Any excess of over five (5) per centum of dead shells and oysters under the size prescribed herein in any

cargo or lot of oysters shall be considered a violation of this Act, and any officer of the Board of Commissioners for the Protection of Birds, Game and Fish is authorized to cause to be counted the whole or part of said cargo or lot of oysters at the expense of such person or vessel, to determine said percentage when found necessary, no oyster under one inch in length from hinge to mouth shall be counted, and each half shell of proper size shall be counted as one. All uncultured oysters in the possession of any canner, shucker or catcher, shall be presumed to be natural reef oysters, and the onus shall be upon the accused to prove that they were fished from a private bedding or planting ground.

Under its supervision and direction the Board may permit lessees of oyster bedding grounds to fish for bedding purposes from natural reefs uncultured oysters as seed without charge and shall have authority to designate from what natural reefs said oysters may be fished and the quantity to be taken therefrom by any lessee.

Section 16. Be it further enacted, etc., That it shall be unlawful to use a dredge, or any means or implements other than hand tongs, in removing oysters from the natural oyster reefs of this State, except in bodies of water over a depth of ten feet, or where in the opinion of the Board of Commissioners for the Protection of Birds, Game and Fish, the body of water, regardless of its depth, is declared to be too open and exposed to be fished with hand tongs, in which event the Board shall be authorized to issue a license for the use of scrapers or dredges, provided the applicant shall pay an annual license fee of twenty-five dollars (\$25.00) for each sailing vessel using scrapers or dredges, and of fifty dollars (\$50.00) for each power vessel in addition to its other license, and shall give bond in favor of the Board with good security in the sum of one thousand dollars (\$1,000.00) conditioned that said implements shall not be used on the natural reefs contrary to law. The Board is granted the power to increase or diminish the depth of water in which it shall be lawful to use scrapers or other implements in the fishing of oysters from the natural oyster reefs of the State, provided that it shall not decrease the depth of water in which dredging may be permitted in any water other than in the Parish of St. Bernard or on the Pointe-au-Fer Reef or at the mouth of Calcasieu River or to suspend the fishing of oysters altogether from natural reefs when said reefs are threatened with depletion.

Section 17. Be it further enacted, etc., That lessees of propagating or bedding grounds shall have the right to use in such bedding grounds any implements or appliances they may desire. The Board of Commissioners for the Protection of Birds, Game

and Fish may require that such lessee may procure a permit from the Board to use such implements, and the Board may require of such lessees that they shall furnish bond in favor of the Board in the sum of one thousand dollars (\$1,000.00), that such instruments or appliances shall not be used on the natural oyster reefs contrary to law. When such instruments or appliances are used exclusively on private propagating or bedding grounds, no charge shall be made for said permit. No implements or appliances, however, shall be used in such manner as will impair or destroy any water bottom held by lessees.

Section 18. Be it further enacted, etc., That it shall be unlawful for any person to knowingly or wilfully take oysters, shells or cultch, bedded or planted by a lessee under this Act, or any oysters deposited by such lessee for making up a cargo for market, or who shall knowingly or wilfully carry or attempt to carry same away without permission of the owner thereof, or who shall knowingly or wilfully remove, break off, destroy, or otherwise injure, or alter any stake, bounds, buoys, or other designation of any bedding or propagating grounds, or who shall knowingly or wilfully move any bedding ground stake, buoy, mark or other designation placed by the Board of Commissioners for the Protection of Birds, Game and Fish.

No person shall take a cargo or any part of a cargo of oysters in the shell, out of the State on any vessel or water craft, or shall fish, catch or gather a cargo or any part of a cargo of such oysters, with the intent to take them out of this State into any other State for any purpose.

All owners of vessels engaged in the oyster industry shall issue printed instructions to the captains and crews in charge of said vessels calling attention to the provisions of this Section and same shall be duly executed by the interested parties before a competent notary, the original to be kept by the Board and a duplicate to be had in possession at all times by the captain of said vessel and shown on demand of any officer or warden. Lack of possession of such document on a vessel or a refusal to show same, shall be *prima facie* evidence that such paper does not exist.

Section 19. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish shall give to each licensed vessel or boat a license number, and the captain of said vessel shall at once cause it to be painted on each side of the bow of such vessel or boat, in figures at least six inches long and of proportionate width, in a color distinct and different from the body color of the hull, and shall also display said number on the peak of the main sail of his vessel, and each figure on said sail

shall be at least sixteen (16) inches long, of proportionate width and six inches apart.

Section 20. Be it further enacted, etc., That in all disputes as to boundaries between lessees of bedding grounds, the Board of Commissioners for the Protection of Birds, Game and Fish is empowered with full authority to settle same and their decision shall be subject to appeal to any court of competent jurisdiction.

Section 21. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish shall acquire such boats, vessels and other property as may be necessary to regulate and supervise the work of the Board, and as soon as the funds become available for the purpose, said Board shall establish and maintain, by means of armed vessels, the necessary patrol of the Gulf Coast with authority to use such arms as may be necessary to capture any vessel, person or persons violating the provisions of this Act.

Section 22. Be it further enacted, etc., That for the purpose of carrying into effect the provisions of this Act, and the rules and regulations of the Board of Commissioners for the Protection of Birds, Game and Fish, Commissioners, inspectors, employees of the Board, captains and members of the crews of all vessels in the service of the Board, are hereby constituted peace officers with the power of arrest on view, without warrant, any one violating the provisions of the law, and it shall be the duty of all captains and crews to lend their assistance and the assistance of their vessels to any employee of the Board in making arrests.

Section 23. Be it further enacted, etc., That any owner, captain, person, agent, officer, crew or member thereof, of any vessel violating the provisions of Section 18 of this Act, shall subject the vessel and cargo thereof to seizure by any one authorized to make arrests under this Act, and taken into custody and delivered to the Sheriff of the Parish in which the seizure is made, and shall be liable to forfeiture on appropriate proceedings being instituted by the Board of Commissioners for the Protection of Birds, Game and Fish before the District Court of that Parish; the following rules to govern the proceedings in such cases.

The proceedings shall be by ordinary suit, instituted in the name of the Board of Commissioners for the Protection of Birds, Game and Fish, by petition setting forth the cause of action and praying for the forfeiture of said vessel, and after due trial and judgment obtained, said vessel shall be sold at public auction at the principal front door of the Courthouse by the Sheriff after due advertisement, and the proceeds thereof paid by him to the Treasurer of the School Funds for the use of the Public Schools of said Parish,

after deducting costs, fees and commissions prescribed by law in judicial sales.

Should the owner of such seized vessel be able to prove to the satisfaction of the Court before whom the case is tried, that the captain and crew of said vessel had agreed in writing to comply with the provisions of Section 18 of this Act in every particular and that it was not the intention of said owner to permit or allow any infraction of said provisions, then, and in that event, the owner of said vessel shall be considered blameless, the vessel shall be released upon payment of all costs, and the captain and crew of said vessel only shall be adjudged guilty of violating the provisions of said section, the penalty of which shall be imprisonment in the parish jail for not less than ninety (90) days, nor more than two (2) years, at the discretion of the Court.

The cargo of the seized vessel, if perishable, shall be at once disposed of by the sheriff and the proceeds held by him until the final adjudication of the suit and then disposed of in same manner as the proceeds from the sale of the vessel. Pending this proceeding, such vessel may be released upon the owner furnishing bond with good and solvent security in double the value of the vessel, and which bond shall remain in the lieu and stead of said vessel and cargo in the hands of the said sheriff to insure its being returned in good condition to the sheriff and have the same subjected to the judgment of the Court, or to pay the amount of the judgment and costs rendered in the suit.

Section 24. Be it further enacted, etc., That any person, firm, corporation, or common carrier, their agents and officers, violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, pay the costs of the prosecution, and be fined not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00), or be imprisoned in the parish jail for not less than ninety (90) days, nor more than two (2) years, or both fine and imprisonment, at the discretion of the Court, for each offense.

Upon the second conviction of any person, firm, or corporation for violating any of the provisions of this Act, all licenses issued to such person, firm or corporation shall be forfeited, and the Judge shall declare it so, as a part of his sentence.

Section 25. Be it further enacted, etc., That all fines collected under the provisions of this Act, shall be payable to the State Treasurer for the use of the Police Jury of the Parish in which the violation occurred.



COPY
OF THE
LAW PROVIDING FOR A
STANDARD MEASURE

FOR
OYSTERS

PASSED BY THE
GENERAL ASSEMBLY

OF THE
STATE OF LOUISIANA
IN THE YEAR

1910

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That there shall be in this State for the purchase and sale of oysters arriving at ports or cities within the State of more than fifty thousand inhabitants from any other port, city or place, whether said oysters arrive in barrels, sacks, bulk or otherwise, a standard measure in the form of a basket, which shall contain one bushel and one-half a bushel, said baskets to be inspected and stamped by the Inspector of Weights and Measures or other officer exercising his functions for the respective districts or parishes where said oysters arrive, if there be any such inspector or officer at the place of arrival, and in the Parish of Orleans by the Inspector of Weights and Measures of the municipality or district where the oysters thus arriving are unloaded.

Section 2. Be it further enacted, etc., That each and every sack of oysters arriving at the ports or cities mentioned in Section 1 of this Act shall contain one standard basket as established by this Act, and each and every barrel of oysters arriving at the different ports or cities mentioned in said Section 1 of this Act, shall contain two standard baskets as established by Section 1 of this Act, said sacks and barrels to be inspected by the inspector or officer exercising his functions as provided in Section 1, and must contain the measurements stated in this Act at the time of delivery to the consignee, buyer or importer, and at the time of delivery to any subsequent buyer of said oysters after arrival, whether in sacks, barrels or baskets.

Section 3. Be it further enacted, etc., That the Inspector of Weights and Measures or other officer exercising his functions in the district or parish where said oysters are unloaded shall be entitled to charge and collect for such inspection from the buyers, importers or consignees of said oysters a fee of one-fourth of one cent for each basket inspected and unloaded, payable immediately and the inspector or other officer exercising his functions may issue a certificate of inspection and measurement which shall be *prima facie* evidence of such inspection and measurement of the oysters under the provisions of this Act; provided that for the stamping of each basket mentioned in Section 1 such inspector or officer shall be entitled to charge and collect immediately after stamping, from the owner or owners of the baskets so inspected and stamped, a fee of thirty cents.

Section 4. Be it further enacted, etc., That for the purpose of making the inspection and measurement provided by this Act, and of ascertaining the number of sacks, barrels and baskets arriving in the different ports and cities mentioned in Section 1 and the names and addresses of the sellers, exporters, consignors, buyers, importers and consignees of such oysters to be inspected and measured under the provisions of this Act, and the quantity consigned to each buyer, importer and consignee, and such other information as may be necessary to obtain an order to perform the duties imposed upon him by law, such inspector or officer exercising his functions shall have the right and power to go on board the boat arriving with such oysters, in order to count the number of barrels, sacks and baskets thus arriving and to be unloaded from said boat, and shall also have the right and power to demand and obtain an examination of the boat's manifest and it shall be the duty of the owner, master, captain or other person in charge of said boat or of said manifest to produce the manifest and allow such examination by said inspector or officer.

Section 5. Be it further enacted, etc., That any and all buyers, sellers, importers and exporters of oysters arriving at the different ports and cities in the State of Louisiana, of more than fifty thousand inhabitants, are charged with the duty of having such oysters inspected and measured, and such baskets inspected and stamped, in accordance with the provisions of this Act and any and all buyers, sellers, importers and exporters of oysters arriving at the ports and cities mentioned in Section 1, and any and all owners, masters and captains of boats arriving with oysters at said ports or cities, and any other person or persons, firm or firms and corporation or corporations (through their proper officer) violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be punishable for each offense by fine not exceeding Twenty-five Dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court having jurisdiction.

Section 6. Be it further enacted, etc., That there shall be an oyster inspector selected and appointed by the Governor from each parish shipping oysters under the provisions of this Act, whose duties and functions shall be to inspect and measure every sack and barrel of oysters arriving at the different ports or cities mentioned in Section 1 of this Act, at the same time and place as the inspection might be made by the Inspectors of Weights and Measures, or other officer exercising similar functions, mentioned in Section 2 of this Act; provided, there shall be only one inspec-

tion and measurement of oysters made by each oyster inspector provided for in this section.

Section 7. Be it further enacted, etc., That the said oyster inspector, mentioned in Section 6 of this Act, shall be entitled to collect from the buyer, importer or consignee of said oysters, one-fourth of one cent for each basket inspected and unloaded, payable immediately by the said buyer, importer or consignee of said oysters for the account and at the expense of the consignor or shipper of said oysters; provided, that the oyster inspector herein mentioned shall sign all certificates of inspection and measurement referred to in Section 3 of this Act, together with the Inspector of Weights and Measures, or other officer exercising his functions, and no such certificate shall be valid or of any effect unless signed by both said inspectors, nor shall any claim for shortage of measure be allowed any consignee, buyer or importer of said oysters, unless he shall have first secured this certificate of inspection and measurement.

Section 8. Be it further enacted, etc., That in the event the two inspectors provided for in this Act fail to agree in their inspection and measurement of oysters, as provided for in this Act, either or both shall immediately call in as arbitrator, the presiding officer of the board, or commission, exercising control over the oyster industry, and, in his absence, any member of said board or commission, and, in the absence of the latter, any inspector of said board or commission, whose award shall be final and who shall make out and sign the certificate of inspection and measurement herein referred to.







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